

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ZHAYRE CHAREE' HARRIS,
LAKIARA NICOLE KORNELY A HARRIS, and
KENTAZ XAVIER HARRIS, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KENNETH EZEKIEL,

Respondent-Appellant.

and

EDNA HARRIS and SEBASTIAN CARL
PRATT,

Respondents.

UNPUBLISHED

June 28, 2005

No. 259374

Wayne Circuit Court

Juvenile Division

LC No. 02-412445

Before: O'Connell, P.J., and Schuette and Borrello, JJ.

PER CURIAM.

Respondent-appellant appeals as of right from a Wayne County Circuit Court order terminating his parental rights to the three minor children who are the subject matter of this action. While we hold that the trial court erred in its partial reliance for termination pursuant to MCL 712A.19b(3)(a)(i), we affirm the decision of the trial court because termination was proper pursuant to MCL 712A.19b(3)(a)(ii) and as the trial court stated also pursuant to MCL 712a.19B(3)(g).

The record reveals that respondent did not attend the February 11, 2003 dispositional hearing or the May 6, 2003 dispositional review hearing or the July 13, 2003 hearing, although it was clear from the record that respondent was visiting the children and knew of the proceedings.¹

¹ When asked by a representative of FIA if respondent was willing to provide for the children he stated that he was unable to do so because of his "outstanding warrants." FIA assumes that respondent failed to appear for most of the scheduled court appearances because of these
(continued...)

By the time respondent decided to intervene in the matter, the children had already been wards of the court for over one year. Additionally, he did not have suitable housing for the children. A representative of FIA testified, without contradiction, that even if respondent had suitable housing, termination was still necessary based on the length of time the children had been in care and respondent's late entry into the matter. Based on respondent's lack of cooperation and his decision not to involve himself in the matter until after a year had passed, the agency had no way of ascertaining what type of father he would be or what type of home environment he could offer the minor children. Even absent respondent's failure to take timely action to preserve his interests in this matter, the referee found by clear and convincing evidence that the respondent did not have suitable housing, was not able to adequately provide for the minor children, had been involved in acts of domestic violence with the mother of the minor children and suffered from alcohol abuse. We find that based on the foregoing, the trial court found by clear and convincing evidence that it was required to terminate respondent's parental rights. Having found so, we next must decide whether termination was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

We cannot find anything in the record that would suggest that termination was not in the children's best interest. Respondent waited over a year before attempting to present the court with a parental plan for his children. During this time, the record reveals that no bond existed between respondent and the minor children. One of the minor children did not even think respondent was his father. Thus, we find that it would not be in the children's best interests to wait for a determination with regard to whether respondent was a suitable parent.

For the reasons set forth herein, we affirm the decision of the trial court.

/s/ Peter D. O'Connell

/s/ Bill Schuette

/s/ Stephen L. Borrello

(...continued)

“outstanding warrants.” During the proceedings, respondent admitted there was a domestic assault charge pending against him which involved the mother of the minor children at issue in this matter.